

Notice of Allowability

Application No.

10/806,973

Examiner

John J. Figueroa

Applicant(s)

MUTHIAH, JENO

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment/Response of January 5, 2007.
2. ☒ The allowed claim(s) is/are 10-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please cancel claims 1-9, 20-22 and 25-36.

Examiner notes that Applicant has elected to prosecute these claims **without** traverse in the amendment/response filed January 5, 2007. (See Page 14, lines 5-8 of "Remarks" section of said amendment/response))

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest a coating powder, having a low curing temperature and good flexibility, that comprises an acid functional acrylic resin having an acid number between about 40 and about 220 **and** a polyester resin, said acrylic resin and said polyester resin being present in a weight ratio between about 30:70 to about 70:30 parts acrylic resin to polyester resin, and further comprising an epoxy functional crosslinking agent having an epoxy equivalent weight between about 100 and about 1,000, and a curing catalyst; wherein said coating powder has a stoichiometry of acid

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groups to epoxy groups of between about 0.5 and 2.0. Nor does the prior art teach or suggest a powder coated article comprising a substrate coated with said powder coating.

3. . . . The closest prior art documents are USPN 6,294,610 to Daley et al., hereinafter 'Daly'. Daly discloses a coating composition comprising the epoxy and either a polyester **or** an acrylic resin but do not teach or suggest a coating composition comprising all three resins in addition to having the recited limitations regarding the acid number for the acrylic resin, the acrylic to polyester parts ratio, the recited stoichiometry **and** the epoxy equivalent weight.

Moreover, in Applicant's declaration submitted with the amendment/response of January 5, 2007 (to overcome a potential obviousness rejection), Applicant has provided data from a comparative test of a coating sample comprising all three resin components in accordance with the instant claims, versus two coating samples containing an epoxy with the acrylic resin, or an epoxy with the polyester resin. The table on page 2 shows results demonstrating unexpected results regarding appearance and flexibility of the sample in accordance with the claimed composition (#122-89-2) over the other two sample not containing all three resin components.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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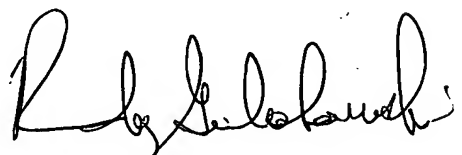
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (571) 272-8916. The examiner can normally be reached on Mon-Thurs & alt. Fri 8:00-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJF/RAG


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